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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,701	02/06/2003	Gilles Simard	5489-98"US"	4145
7590	06/16/2005		EXAMINER	
David M. Carter Carter & Schnedler, P.A. 56 Central Avenue, Suite 101 P.O. Box 2985 Asheville, NC 28802			STERLING, AMY JO	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 06/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/813,701	SIMARD, GILLES	
	<b>Examiner</b>	<b>Art Unit</b>	
	Amy J. Sterling	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 February 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 February 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

This is the first Office Action for application number 10/813,701 Attachment bracket for Shelf Support System, filed on 2/6/03. Claims 1-21 are pending. This application claims priority to now abandoned 09/776,321, filed 2/2/01.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8-11 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4735325 to Remmers.

The patent to Remmers discloses an attachment bracket (42) having a back wall (62) defining a bottom, a top and vertical edges, and side arms (44), extending laterally from the vertical edges of the back wall, and a first and second protrusion (50, 52), located on the junction of the inner surfaces of the back wall of the bracket and the inner surface of the side arms. Remmers also teaches wherein the side arms have a slot (70) with friction edge portions (66, 68, 88).

### ***Claim Rejections - 35 USC § 103***

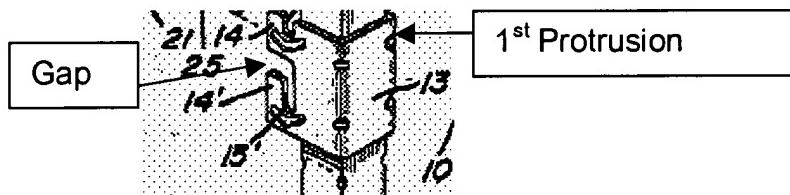
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-8, 12-15 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 4592286 to Trubiano, and in view of United States Patent No. 4735325 to Remmers.

Trubiano discloses applicant's basic inventive concept including an attachment bracket having a back wall (13) defining a bottom, a top and vertical edges, and side arms (14) extending laterally from the vertical edges of the back wall, at least a first protrusion (See Drawing Below) located on the inner surfaces of the bracket each of the side arms having an upper and lower slot (15, 15'), the upper slots being open on each arm. Trubiano also discloses wherein each of the side arms has a gap (See Drawing) open at a lateral edge thereof.



Trubiano does not teach wherein the slots have a friction edge portion.

Remmers teaches an attachment bracket with a back wall, bottom, top and vertical edges and side arms extending laterally from the vertical edges of the back wall. Remmers also teaches that the arms have a slot (70) that have friction edge portions, used in order to frictionally hold the desired device within the slot. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was

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made from the teachings of Remmers to have used a slot with a friction edge in order to more firmly hold the desired device within the slot.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following documents show various attachment brackets

6024333 to Raasch et al.

6015052 to Goldberg

5284311 to Baer

4421239 to Vargo

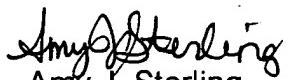
4230052 to Champagne

4079678 to Champagne

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (Mon-Fri 8am-5:00pm). If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 571-272-6815. The fax machine number for the Technology center is 703-872-9306 (formal amendments), informal amendments or communications 571-273-6823. Any inquiry of a general nature or relating to the status

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of this application should be directed to the Technology Center receptionist at 571-272-3600.



Amy J. Sterling

6/13/05